

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEFFREY TITUS,

Petitioner,

Case Number: 06-CV-10770

v.

HONORABLE PAUL D. BORMAN

ANDREW JACKSON,

Respondent.

**ORDER GRANTING RESPONDENT'S MOTION TO WITHDRAW MOTION FOR
SUMMARY JUDGMENT AND ENLARGE RESPONSE TIME**

On February 21, 2006, Petitioner Jeffrey Titus, through counsel, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions and sentences for first-degree murder and felony firearm. This Court issued an Order requiring Respondent to respond to the petition by September 5, 2006.

On September 1, 2006, Respondent filed a motion for summary judgment, on the basis that the governing statute of limitations bars review of Petitioner's instant habeas petition. Petitioner was sentenced on August 19, 2002. He filed a right of appeal with the Michigan Court of Appeals, which was affirmed on February 19, 2004. *People v. Titus*, No. 243642 (Mich.Ct.App. Feb. 19, 2004). Petitioner's application for leave to appeal that decision was denied by the Michigan Supreme Court on November 22, 2004. *People v. Titus*, 471 Mich. 920, 688 N.W.2d 831 (2004). Petitioner then had ninety days to seek certiorari with the United States Supreme Court, which expired on February 20, 2005. But because February 20, 2005, was a

legal holiday, the ninety days actually expired on February 21, 2005. Thus, Petitioner's petition for a writ of habeas corpus is not time barred.

As a result, Respondent's motion was based on a false premise. Petitioner actually had until February 21, 2006, to file his petition, which he did.

Respondent represents that, in accordance with Local Rule 7.1(a), Respondent sought and obtained consent to withdraw his motion for summary judgment and to an extension of time to respond to Petitioner's petition from Petitioner's counsel.

Accordingly, the Court **GRANTS** Respondent's Motion to Withdraw his motion for summary judgment and to enlarge response time. Respondent shall file a responsive pleading by October 15, 2006.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 15, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 15, 2006.

s/Denise Goodine
Case Manager